



STAFF REPORT

ZONING AMENDMENT #2023-01:

An amendment to the Sussex County Zoning Ordinance under Article I. Definitions to modify the term of home occupation and to add new provisions governing home occupations in a new Article XXIV for Home Occupations, Type I and Type II. The two (2) levels or types of home occupations are established to accommodate the divergent needs of the developing areas of the county from the rural areas of the County.

DESCRIPTION:

Under the current County Zoning Ordinance, the term Home Occupation is defined as an occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises, such as rental of rooms to tourists, the preparation of food products for sale and similar activities; professional offices such as medical, dental, legal, engineering and architectural conducted with a dwelling by the occupant.

In addition, the current ordinance provisions restrict home occupations in the rural residential zoning districts (R-R and R-E) to office and child care and requires a conditional use permit in the R-1 district.

The proposed revision re-defines the term Home Occupation, as follows:

A home business carried on by the occupant of a dwelling as a secondary use in connection with the provision of goods and/or services without disturbing the residential character and nature of the surrounding neighborhoods and conducted in compliance with Article XXIV (Sections 16-421 et seq.) and other application provisions of the Zoning Ordinance.

The revised provisions also establishes a new article under Article XXIV (Sections 16-421 through 16-428) dividing home occupations into two (2) types of home occupations that recognize the diverse nature of the County and distinguishes the rural areas of the County from the more densely populated areas. For example, the rural area allows a larger lot size to accommodate activities associated with the more traditional agricultural and forestry related activities where home occupations may be expanded to an accessory structure and allow for outdoor storage.

In contrast, the more densely populated neighborhoods would accommodate a home office within the dwelling unit without requiring a conditional use permit, but does not allow the use of an accessory structure or outdoor storage.

See attached draft ordinance provisions governing Home Occupations.



STAFF RECOMMENDATION:

Staff recommends the Planning Commission send a recommendation to the Board of Supervisors in favor of the proposed zoning ordinance amendment.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on the ordinance amendment on May, 1, 2023. No one appeared from the public to speak in favor or against the amendment. The Planning Commission recommended approval of the application to the Board of Supervisors (4-0).

ATTACHMENTS:

- Public Hearing Advertisement
- Proposed Ordinance Revision